

CHRISTCHURCH CITY COUNCIL CRUISING BYLAW 2010

Pursuant to section 22AB of the Land Transport Act 1998, and section 145 of the Local Government Act 2002 the Christchurch City Council makes this bylaw.

1. SHORT TITLE AND COMMENCEMENT

This bylaw is the Christchurch City Council Cruising Bylaw 2010. This bylaw comes into force on 1 July 2010.

2. INTERPRETATION

In this bylaw, unless the context otherwise requires,

'ACT' means the Land Transport Act 1998.

The following definitions come from the Act:

'CRUISING' means driving repeatedly in the same direction over the same section of a road in a motor vehicle in a manner that -

- (a) Draws attention to the power or sound of the engine of the motor vehicle being driven; or
- (b) Creates a convoy that -
 - (i) Is formed otherwise than in trade; and
 - (ii) Impedes traffic flow.

'MOTOR VEHICLE'

- (a) Means a vehicle drawn or propelled by mechanical power; and
- (b) Includes a trailer; but
- (c) Does not include -
 - (i) A vehicle running on rails; or ...
 - .. (iii) A trailer (other than a trailer designed solely for the carriage of goods) that is designed and used exclusively as part of the armament of the New Zealand Defence Force; or
 - (iv) A trailer running on one wheel and designed exclusively as a speed measuring device or for testing the wear of vehicle tyres; or
 - (v) A vehicle designed for amusement purposes and used exclusively within a place of recreation, amusement, or entertainment to which the public does not have access with motor vehicles; or
 - (vi) A pedestrian-controlled machine; or
 - (vii) A vehicle that the Agency has declared under section 168A is not a motor vehicle; or
 - (viii) A mobility device.

[The following note is explanatory and is not part of the Bylaw: The New Zealand Police, in its submission on the draft bylaw dated 24 March 2010, stated how the Police will interpret the terms 'convoy' and 'repeatedly', as used in the definition of "cruising":

"... 'repeatedly' will be interpreted as more than once, and the driver will have to be driving in a manner that draws attention to the power or sound of their vehicle, or be driving in a 'convoy', which we will interpret as two or more vehicles with a common purpose."]

The following definition comes from the Land Transport (Road User) Rule 2004:

- 'MULTI-LANE ROAD' means -
- (a) A one-way road with two or more marked lanes (other than cycle lanes); or
 - (b) A two-way road with two or more marked lanes (other than cycle lanes) that -
 - (i) Are on the side of the dividing line or median where the driver is driving; and
 - (ii) Are for the use of vehicles travelling in the same direction.

[The following note is explanatory and is not part of the Bylaw: Where a bus lane is marked on a road, that road, or part of the road, will come within the above definition of "multi-lane road".]

3. PURPOSE OF THE BYLAW

The purpose of this bylaw is to control and restrict the cruising of motor vehicles by prohibiting cruising on certain roads at specified days and times.

4. CRUISING PROHIBITED

- (1) Cruising is prohibited on all multi-lane roads under the control of the Christchurch City Council, and on the whole of Main Road (from Ferry Road to Marriner Street, Sumner) and all of Esplanade, Sumner at the days and times specified by Council resolution under clause 4(2).
- (2) The Council may, by resolution, prescribe the days and times that apply to the prohibition on cruising specified in clause 4(1).
- (3) In addition to clause 4(1) of this Bylaw the Council may, by resolution, specify that any road, or part of a road, on the days and at the times specified in the resolution, will be subject to a prohibition on cruising.
- (4) The Council may, by resolution, subsequently amend or revoke any resolution made under clause 4(2) or clause 4(3).
- (5) Before making a resolution under clause 4(3) (or the amendment or revocation of a resolution made under clause 4(4)) the Council will consult with:
 - (a) The occupiers of any properties adjoining the proposed road or part of the road;
 - (b) Any local community, road user group or other organisation the Council considers may be affected;

- (c) Any other road controlling authority that may be affected because the proposed road or part of the road adjoins, or is located near a road controlled by that other road controlling authority;
 - (d) The Commissioner of Police; and
 - (e) The New Zealand Transport Agency.
- (6) The roads in clause 4(1) and all roads specified in any resolutions made under clause 4(3), as well as the days and times of any cruising prohibition, will be recorded in a register and will be available on the Council's website or from the Council's Service Centres.

[The following note is explanatory and is not part of the Bylaw: The current days and times resolved on by the Council on 27 May 2010 under clause 4(2) are 7 days a week between the hours of 10pm – 5am.]

5. COUNCIL MAY RESOLVE THE TIME PERIOD THAT APPLIES TO CRUISING

The Council may, by resolution, prescribe the period of time that must elapse between each time a driver drives on a road specified in clause 4(1) of this Bylaw, or by resolution under clause 4(3) or clause 4(4) of this Bylaw, to avoid being regarded as cruising.

[The following note is explanatory and is not part of the Bylaw: The current time period that was resolved on by the Council on 27 May 2010 is 60 minutes. All resolutions made under this clause will be recorded in a register and will be available on the Council's website or from the Council's Service Centres.]

6. CHRISTCHURCH CITY COUNCIL TRAFFIC AND PARKING BYLAW 2008 AMENDED

Clause 15 of the Christchurch City Council Traffic and Parking Bylaw 2008 is amended by inserting the following subclause before subclause (1):

“(1A) The purpose of this clause is to restrict the racing of motor vehicles and any associated activities.”

7. OFFENCE AND PENALTY

- (1) Every person who breaches clause 4 of this Bylaw commits an offence and is liable on summary conviction to a fine not exceeding \$1,000 or an infringement fee of \$150, as set out in the Land Transport (Offences and Penalties) Regulations 1999.
- (2) Nothing in this clause limits the exercise of any enforcement powers available in any Act or Regulations, including the issue of warning notices under section 22AF of the Act, and the offences and penalties related to non-compliance with any warning notices.

8. CHRISTCHURCH CITY COUNCIL GENERAL BYLAW

The provisions of the Christchurch City Council General Bylaw 2008 and any bylaw passed in amendment or substitution are implied into and form part of this bylaw.

The initial resolution to make this bylaw was passed by the Christchurch City Council at a Meeting of the Council held on 11 February 2010 and was confirmed following consideration of submissions received during the special consultative procedure, by a resolution of the Council at a subsequent meeting of the Council held on 27 May 2010.

REVOKED

The Common Seal of the
CHRISTCHURCH CITY COUNCIL
was hereto affixed in the presence of:

.....
MAYOR/COUNCILLOR

.....
AUTHORISED OFFICER